HOW TO REQUEST A REVIEW FOR ADJUSTMENT/MODIFICATION

INTRODUCTION:

During the course of your child support case, you may find that many conditions of your lifestyle have changed since the amount of your original support order was determined. You may have more or less money than before, you may make more frequent visitations, or you may have to pay more for your child's medical insurance. If your financial situation has changed significantly, you may want to request a review for adjustment or a modification of your support order. A review for adjustment can lead to a modification of the original support order that better suits the financial situations of the people providing or receiving support. Both custodial parents (CPs) and non-custodial parents (NCPs) can request a review for adjustment/modification of a support order.

Under what conditions can I request a review for adjustment?

To request a review of the amount of your support payments, you need to show that there has been a *substantial and continuing* change of circumstances. An NCP may have recently lost his/her job, or a parent may have recently received a pay raise at his/her job. Under Arizona State law, the change in circumstances must show that the amount of the child support payment would change by at least fifteen percent.

All court orders for support must include a medical support obligation. If your order does not have a medical support provision, that alone can be ground for an adjustment.

How do I request a review for adjustment?

To request a review for adjustment, you must fill out a request for modification. A form called the "Parent's Worksheet for Child Support Amount" must accompany the request for modification. This is a sworn document that is used to determine if the support order should change. The Parent's Worksheet for Child Support Amount can be used by a non-custodial parent who wishes to show that his/her income has decreased by a substantial and continuing amount, or it could be used by a custodial parent to show that the non-custodial parent's income has increased by a substantial and continuing amount. It can also be used to show that the medical support paid by either parent has increased by a substantial and continuing amount. Both of these forms can be found at your local Division of Child Support Enforcement (DCSE) office.

The request for modification and all of your supporting evidence will be served on the other parent, and they will be given the opportunity to dispute the request. If the other parent does not request a hearing within 20 days if they live in Arizona or 30 days if they live out of state, then the court will decide whether the support payments should be modified. DCSE can submit these forms for you if you provide the information. If you need any help requesting a review for adjustment, contact your local DCSE office.

How often can I request a review for adjustment?

You can request a review for adjustment once every three years. DCSE will send both parents a notice in the mail once every three years reminding you of your right to request a review for adjustment. If you wish to request a review for adjustment sooner than three years, you have to show a changed circumstance that is substantial and continuing. If you request a review sooner than three years without any evidence of a changed situation that is substantial and continuing, your case will not be Remember that in Arizona, a reviewed. circumstance that is substantial and continuing is one that will change your support order by at least fifteen percent for adjustment. If you have information of a substantial and continuing change in the finances of the NCP, you can contact your local DCSE office to request a review for adjustment.

How will I know if the other parent is making enough money for me to request a review for adjustment?

Arizona law requires all support orders to contain a provision that makes both parents exchange financial information every two years. This includes tax returns, financial affidavits, and earning statements. When you have this information, it will help you determine if the other parent is making enough money for you to request an increase of the support order.

Most court orders also include a provision that requires both parents to exchange their addresses, as well as the names and addresses of their employers every two years in addition to their financial information. This information can also be helpful in determining whether one parent makes enough money for a modification.

I currently pay my child's medical insurance, but the other parent receives less expensive benefits where he/she works. Can I request a review for adjustment if I want to change the medical assignment in the support order?

If one parent receives significantly less expensive benefits than the other, the parent with less expensive benefits should pay the medical insurance of the child. However, if both parents receive benefits that cost the same amount, the child will receive benefits through the CP.

HOW A NONCUSTODIAL PARENT CAN REQUEST A REVIEW FOR ADJUSTMENT/ MODIFICATION:

I visit my child frequently. Can I make an adjustment for that?

If you visit frequently, it is possible to request an adjustment, depending upon how often you visit. Call your local DCSE office for details.

I pay for the child's medical expenses, but the cost of these expenses has increased significantly since the support order was issued. Can I request a review for adjustment?

Support orders often include the amount of medical support NCPs must pay as part of the monthly support. If your medical expenses have gone up by an amount that would change your support payments by fifteen percent, you may request a review for adjustment. Remember that this must be a substantial and continuing change, and that any temporary changes in your financial situation do not reflect a substantial and continuing change.

It is also possible for you to request a modification of the support order that would allow the CP to pay for medical support if the CP receives less expensive medical coverage. If the medical coverage does shift to the CP, half of what the CP pays for medical coverage will be added to your monthly support payments.

After I make support payments, I can barely afford to eat and pay rent. When my court order was issued, I was making more money than I am now. Is there any way that I can adjust the amount I pay for child support?

If you have experienced a significant drop in your salary, it is possible to request a review for adjustment. If your income has decreased by fifteen percent or more over a long period of time, you can request a review by showing that there are substantial and continuing circumstances for review.

It is also possible to request a review if you are not making enough money to support yourself and pay support. The State of Arizona sets the *self-support reserve*, which is the amount per month that you need to survive, at \$710. If you are not making this much money after you pay support, you can request a review or modification.

I have given my child several gifts. Is there any way that I can adjust my support payments for this reason?

Any gifts that you give your child are not considered to be part of your support obligation. It says in your court order that any money given directly to your child or the custodial parent will be considered a gift by the court and not part of your support obligation. Your court order says that any money given outside of the provisions of the order will be considered a gift. The only way that a gift can take the place of your support obligation is through a court order.

My child is old enough to work and has recently taken a job. Now, my child makes this money in addition to my support payments, and does not need my support as much. Can I request a review for adjustment for this reason?

No. Arizona law says that the employment of your child is not a reason to reduce your current support payments.

HOW A CUSTODIAL PARENT CAN REQUEST A REVIEW FOR ADJUSTMENT/ MODIFICATION:

The NCP owes me \$5,000 in arrears, and recently received a pay raise at his/her job. Will a modification of the support order increase the amount of these arrears?

An adjustment/modification of a support order cannot be applied to past arrears or debts.

I am receiving public assistance, but I have recently discovered that the other parent of my child has received a significant pay raise. Can I request a review for adjustment even though I am receiving assistance?

Yes. Even though you are receiving public assistance, you have the right to request a review.



LOCAL AREA CHILD SUPPORT OFFICES:

Apache County DCSE Flagstaff Office 2323 N. Walgreen's St., #100

#100 Flagstaff, AZ 86004 Phone: (928) 527-0924 (800) 517-7365

Cochise County Child Support Services of AZ

Warren Plaza 7 Bisbee Road, Suite D Bisbee, AZ 85603 Phone: (520) 432-3161 Toll Free (866)358-0616

Coconino County Flagstaff DCSE Office 2323 N. Walgreen's St.,

#100 Flagstaff, AZ 86004 Phone: (928) 527-0924 (800) 517-7365

Gila County Attorney's Office Child Support Division 157 South Broad St

157 South Broad St. Globe, AZ 85501 Phone: (928) 425-4464

Graham County Safford DCSE Office

1938 Thatcher Blvd. Safford, AZ 85546 Phone: (928) 428-6648

Greenlee County Safford DCSE Office

1938 Thatcher Blvd. Safford, AZ 85546 Phone: (928) 428-6648

La Paz County Attorney's Office

P.O. Box 809 1121 Geronimo Parker, AZ 85344 Phone: (928) 669-6469

Maricopa County Offices:

Mailing address for all Maricopa County Offices:

P.O. Box 40458 Phoenix, AZ 85067

DCSE North/South Region Office

2222 West Encanto Phoenix, AZ 85009

DCSE East Region Office

1255 West Baseline, Suite 258 Mesa, AZ 85202

DCSE West Region Office

8910 N. 43rd Ave. Suite 105 Phoenix, AZ 85302

All Maricopa County Office Phone Numbers:

Phone: (602) 252-4045 (800) 882-4151

Mohave County Kingman DCSE Office 519 East Beale St.,

Suite 110 Kingman, AZ 86401 Phone: (928) 753-3134

Navajo County Attorney's Office

P.O. Box 668 121 W. Buffalo Holbrook, AZ 86025 Phone: (928) 524-4730

Navajo Nation Department of Child Support Services

P.O. Box 160 Chinle, AZ 86503 Phone: (520) 674-2300

Pima County Tucson DCSE Office 7202 E. Rosewood St..

S-100 Tucson, AZ 85710 Phone: (520) 622-7000

Pinal County Attorney's Office P.O. Box 608

30 N. Florence St., #D Florence, AZ 85232 Phone: (520) 868-6615

Santa Cruz Child Support Services of Arizona

1860 North State Dr., Suite 6 Nogales, AZ 85621 Phone: (520) 761-4787

Yavapai County Child Support Services of Arizona

122 North Cortez St., Suite 306 Prescott, AZ 86301 Phone: (928) 771-1090

Yavapai Child Support Services of Arizona

1695 E. Cottonwood St., # A

Cottonwood, AZ 86326 Phone: (928) 639-3131

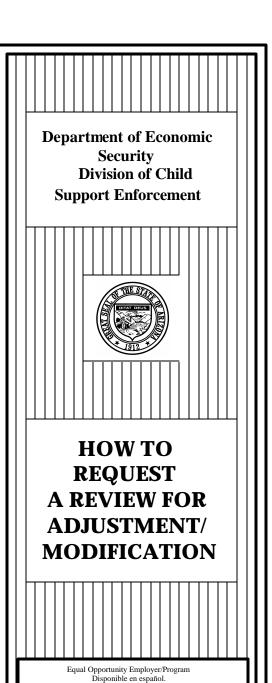
Yuma County Yuma DCSE Office

1310 South 3rd Ave. Yuma, AZ 85364 Phone: (928) 539-1998

Under the Americans with Disabilities Act (ADA), the Department must make a reasonable accommodation to allow a person with a disability to take part in a program, service, or activity. For example, this means that if necessary, the Department must provide sign language interpreters for people who are deaf, a wheelchair accessible location, or enlarged print materials. It also means that the Department will take any other reasonable action that allows you to take part in and understand a program or activity, including making reasonable changes to an activity. If you believe that you will not be able to understand or take part in a program or activity because of your disability, please let us know of your disability needs in advance if at all possible. This document is available in alternative formats by contacting (602) 252-4045.



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CSE-1058APAMNA (11-02)